IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 1942 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 18/11/2004 in WPMP No.25516 of 2004 in WP NO : 19480 OF 2004 on the file of the High Court.)

Between:

1 Smt. Jatosh Mani, W/o. Late Harya,
R/o. Maisiganditanda of Amangal Mandal, Mahabubnagar District A.P.
2 Smt. Jatosh Sakru, W/o. Late Bashya,
R/o. Maisiganditanda of Amangal Mandal, Mahabubnagar District A.P.

..... APPELLANTS

AND

1 The District Collector, Mahabubnagar.
2 The Sub-Inspector of Police, Amangal, Mahabubnagar District.
3 Kethavath Pathni, S/o. Late Amru,
R/o. Maisiganditanda of Amangal Mandal, Mahabubnagar District AP.

.....RESPONDENTS

Counsel for the Appellant:MR.NEELI NARSAPPA

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

Counsel for the Respondent No.3: None appeared.

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

On filing of writ petition, there was an interim direction issued by the court for a period of four weeks and when the writ petition came up for consideration on 18th November, 2004, without there being any counter affidavit from the respondents, learned single Judge proceeded to dismiss WPMP No.25516 of 2004. Once learned single Judge had granted interim relief, which obviously must have been granted on being satisfied with the prima facie nature of the case, it ought not to have been varied or reversed unless there was change in circumstances or counter affidavit by the opposite party opposing continuance of such interim order.

In view of the above, order passed by learned single Judge on 18-11-2004 dismissing WPMP No.25516 of 2004 is rendered illegal. Writ Appeal is allowed and order dated 18-11-2004 is set aside with direction that WPMP No.25516 of 2004 will be decided in accordance with law after respondents file their counter affidavit and till further orders, interim direction as issued on 19th October, 2004 shall continue to remain in operation.

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DEVINDER GUPTA, CJ

10-12-2004

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M.NARAYANA REDDY, J

Tvr

To

1 The District Collector, Mahabubnagar.
2 The Sub-Inspector of Police, Amangal, Mahabubnagar District.
3 2 CCs to the Govt. Pleader for Revenue, High Court Buildings,

Hyderabad (OUT).

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